



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COASTAL RESOURCES MANAGEMENT COUNCIL

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In accordance with notice to members of the Rhode Island Coastal Resources Management Council's Planning and Procedures subcommittee, a meeting of the subcommittee was held on Tuesday, October 17, 2006 at 5:00 p.m. at Piccerelli Gilstein & Co., 144 Westminster Street, Providence, RI.

MEMBERS PRESENT

Michael M. Tikoian, Chair
Paul E. Lemont, Vice Chair
Russ Chateauneuf
Bruce Dawson

STAFF PRESENT

Grover Fugate, CRMC Executive Director
Jeff Willis, Deputy Director
Laura Ricketson, Public Education & Outreach Coordinator
John Longo, Legal Counsel

Call to Order. Mr. Tikoian called the meeting to order at 5:11 p.m.

Hearing no objection, Mr. Tikoian asked the subcommittee to dispense with the reading of the usual opening statements, but to have them reflected within the record nonetheless:

Mr. Tikoian made a brief statement of the subcommittee's function and purpose. The Planning and Procedures subcommittee meeting is an open public meeting; it is not a public hearing. Therefore, discussion is available to the Council members themselves, and to all else at the allowance of the Chairman. Mr. Tikoian further explained that the subcommittee is the program and policy development arm of the Council, and that any programmatic decisions made by this group must ultimately be approved by the full Council in accordance with all proper procedures.

Mr. Tikoian made a statement as to why the subcommittee meetings are held at his offices, Piccerilli Gilstein & Company. Mr. Tikoian stated that the meetings are held at Piccerilli Gilstein & Company to facilitate a number of issues: ease of transition from the previous location (CRMC's Providence office at 40 Fountain Street) which had to be changed because the Council's downtown office was closed due to budget cuts; accommodation of subcommittee members whose work locations and/or residences are in or near to Providence; and, it's cost to the agency: free. Mr. Lemont reiterated the fact that the accommodation of members is a key issue for participation in any work of the Council; and, the wear and tear on personal vehicles is high enough and that by holding the meetings in Providence, costs can be kept to a minimum. Also, Mr. Lemont wanted the record to reflect that the Chairman should be congratulated for letting the subcommittee use his company's office space for these meetings because it addresses the many concerns raised above.

Mr. Tikoian asked the members if there were any questions concerning the minutes of the previous meeting. Hearing none, Mr. Tikoian requested a motion to approve the subcommittee's August 1, 2006 meeting minutes.

Mr. Dawson, seconded by Mr. Chateauneuf, moved to approve the August 15, 2006 meeting minutes. All voted in favor of the motion.

Item 4.A – Management Procedures/Section 2 Meetings. Mr. Tikoian explained his issues with council members not attending meetings such as to maintain a quorum, especially his issue with full council meetings not being held over the summer of 2006 due to member no-shows, and how these no-shows are totally unprofessional. Mr. Tikoian noted that these potential revisions were prompted by DEM Director Sullivan as a possible way to address the issue. He further stated that while unfortunate, these revisions were necessary because of the greater responsibility that the council has regarding state business. Mr. Dawson noted the importance of attendance, especially when members state they will attend meetings but ultimately do not, in that this type of behavior negates the commitments of those who do attend.

J. Willis explained that to address the issue, a new subsection is being proposed. This section states that when three unexcused non-appearances occur, the Chair is authorized to contact said members appointing authority to seek their removal from the council.

The subcommittee discussed and directed staff to keep the three unexcused absences detail, but to clarify that they are during a 12-month period, beginning in February of any given year, and to bring these revisions back to the subcommittee for further consideration when ready.

Mr. Lemont asked to discuss the first sentence of main body of the section, which addresses when the council shall meet. Mr. Lemont felt the wording could better explain when the council meets and when the Chair or Vice-Chair can call for meetings. Mr. Tikoian asked Mr. Lemont to forward such revisions to staff to be included in the section revisions as stated above.

Item 4.B – Coordination with Federal Consistency Regulations of the Coastal Zone Management Act.

J. Willis presented that to be consistent with recent changes to the federal CZMA regarding federal consistency, that sections 300.6, 300.9, 300.10, 300.11, and 300.12 should be revised. G. Fugate gave a detailed presentation of federal consistency and how it is used by federal agencies and CZM programs, and that 99% of council applications are reviewed under the state coastal program and not using the council's federal consistency authorities. G. Fugate explained however, as written, the section changes may handcuff the council into invoking either the state program or its federal consistency provisions, an action that may not be the most beneficial to the agency and its protection and management of coastal resources.

The subcommittee directed staff to revise its suggested changes and bring back to the subcommittee when ready.

Item 4.C – Submerged Aquatic Vegetation. J. Willis explained how the staff had coordinated various meetings and revisions to Section 300.18 (SAV) among interested organizations over the past year and one-half to develop the suggested changes being presented to the subcommittee. Informally this group was called the SAV Workgroup. J. Willis also explained that the work put forth to develop these changes meets the directive of OCRM in a recent evaluation of the council. J. Willis highlighted the more significant revisions especially in that surveys of areas where SAV may be present are codified and uniform; there are more clear findings relative to subsequent policies and standards; and, standards are developed and explicit for structures that must span eelgrass beds.

The subcommittee asked questions such as the need for a survey if an existing survey is three or more years old. Staff responded that eelgrass beds expand/move through rhizomes and that a new survey is needed to reflect such movement/growth. The subcommittee also asked about time-of-year surveys, where staff responded that the best time for surveys are when eelgrass is at its peak biomass. These are known and accepted time periods and that is why the requirement is recommended for such times. The subcommittee also asked about impacts from uses such as scallop dragging and quahogging. Staff explained that while there are impacts from these activities, the ability to regulate them better lies with their jurisdictional agency.

Mr. Tikoian questioned the need at all for a residential dock that must extend over an eelgrass bed to gain water. Additionally, because these docks need to meet Burdick & Short, they are also very high (ie: over MLW). He felt that the regulations should be re-written to explain that these structures, in these conditions, should be prohibited because they are too long and too high. Additionally, he asked that staff explore protecting eelgrass beds similarly to how we manage Type 1 waters. For these reasons Mr. Tikoian and the subcommittee directed staff to reconvene the SAV workgroup to address revisions that would prohibit docks under certain conditions, as reflected above, and bring back to the subcommittee when ready.

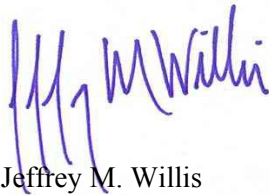
Item 5.A – Request from Audubon to re-assign Water Use Designations in areas whose abutting lands have been acquired for conservation. J. Willis explained that, as part of a comment letter written by Audubon regarding an application with the council, Eugenia Marks, the Senior Policy Director additionally raised the issue of having the council re-classify the water types for those waters adjacent to lands that have been purchased for conservation as Type 1 when they are designated as anything else. The staff felt that this request held merit, as it is familiar with some lands recently purchased for conservation purposes that are adjacent to Type 2 waters. The subcommittee discussed the issue and directed staff to work with Audubon to more fully develop this request (ie: identify such lands and their water types) and bring back to the subcommittee a more thought-out plan as to effectuate the request.

Other Business. Mr. Dawson suggested that because the council's semi-monthly meetings now include a policy discussion segment ahead of the application hearings, that applicants be told in advance that they do not have to arrive at the meeting until about 6:30pm so as to not have them unnecessarily waiting. Mr. Dawson felt that we need to communicate this to applicants. Mr. Tikoian and the subcommittee agreed. G. Fugate assured the subcommittee that he will direct staff to include such information with all application hearing notices that the agency mails out prior to each semi-monthly meeting.

New Business. Mr. Dawson asked if staff could develop a requirement that applicants must secure a performance bond for residential docks located in high fetch area should the applicant receive a permit from the agency. Mr. Tikoian and the subcommittee agreed. G. Fugate will direct staff to develop such a regulation.

ADJOURNMENT. Mr. Dawson, seconded by Mr. Lemont, moved to adjourn. All voted in favor of the motion, and the meeting was adjourned at 7:17 p.m.

Respectfully submitted by



Jeffrey M. Willis
Deputy Director